

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7443 of 2015

1. Poonam Yadav, S/o. Shri Bhugalram Yadav (wrongly mentioned as Bhugol) aged about 18 years, caste Mahkul, R/o. Village Khajaridhab, Police Station Bagbahar, Tahsil Pattalgaon, Civil and Revenue District Jashpur (C.G.)
2. Ganesh Yadav S/o. Shri Nidhiram Yadav, aged about 20 years, caste Mahkul, R/o. Village Khajaridhab, Police Station Bagbahar, Tahsil Pattalgaon, Civil and Revenue District Jashpur (C.G.)

---- Applicants

Versus

State of Chhattisgarh Through, Station House Officer, Poice Station Bagbahar, District Jashpur (C.G.)

---- Respondent

For Applicant	:-	Mr. Abhishek Saraf, Advocate
For Respondent/ State	:-	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

06/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 149/2014 registered at Police Station- Baghbahar, District Jashpur (C.G.) for the offence punishable under Sections 394/34,120(B), 307 of IPC.
2. Case of the prosecution, in brief, is that on 27.09.2014 at about 8.30 O'clock Motilal Agrawal along with Puran Yadav were returning in the way between Lailunga and Kotba near about Rechuwa Ghat, they were stopped by three unknown persons,

who assaulted them and looted Rs. 96,000/- cash and passbook kept in box of the motorcycle.

3. Counsel for the applicant submits that the applicants have been falsely implicated in this case. He further submits that the applicants have not been identified and the amount of currency was recovered from Maheshwar and the applicant are in jail since 30.09.2014; therefore, they may be enlarged on bail.
4. Learned State opposes the prayer for grant of bail and submits that one of the co-accused was the employee of the complainant and the applicant namely Poonam Yadav and Ganesh Yadav both have committed the crime, therefore, they may not be released on bail.
5. Perused the case diary. Perusal of the case diary and the documents would show that the pass book, personal diary and the bag was recovered from the possession of the applicants i.e. Poonam Yadav and Ganesh Yadav, therefore, considering the way, the offence has been committed by the applicants, this Court is of the opinion that it is not a fit case where the applicants can be released on bail.
6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)
Judge